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ABSTRACT

This paper discusses a 1977-78 survey on the legislated curriculum in 50 states. The purpose of the survey was to determine who prescribes and controls school curriculum at the local level (whether the state or local school boards) and how much and what types of elementary and secondary school curriculum have been legislated by the states. Data were obtained from the school law publications of each state. The completed list of legislated subjects was then sent to the respective state school superintendents for confirmation. Results indicate that state departments of education, not local school districts, will have increasing control of the schools. Also, state departments of education will come under the influence of the federal government through funding, programs, and court decisions. This trend, the paper says, could bring about a more equitable education for all children regardless of their ethnic and socioeconomic background. (Author/LD)

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STATE LEGISLATED CURRICULUM

In The United States

by

Earl J. Ogletree

Public school curriculum derives from three sources: 1) needs of society, 2) tradition and 3) needs of learner. The Tenth Amendment of the U.S. Constitution by implication reserves the control of the schools to each state.* Therefore, state legislatures have the legal authority to prescribe school curriculum.

Traditionally, however, the legislative process has not been the agency for implementing school curriculum. Instead it has been prescribed by local school boards, influenced by the needs of the community and the learner. Much of the subject matter taught in schools today is traditional in origin, shaped by a myraid of special interest pressure groups. These local, state and national pressure groups include: farmers, businessmen, veterans, unions, PTA's, publishers, scholars, politicans, professional organizations and educators. On the other hand, and state government have effected curricular charges (Bilingual, career and metric education are current examples of governmental influence).

Although the control of the school and the curriculum legally rests with each state legislature, local school districts

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* U.S. Constitution Revised Powers Theory

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do shape their own curriculum to fit the needs of their community. If a school district is large and has political influence it can influence curricular changes even at the state level. Whereas, smaller and less influential school districts have little control over state prescribed curriculum.

Who actually prescribes and controls school curriculum at the local level, the state or local school boards? How much and what types of elementary and secondary school curriculum have been legislated by the states? A survey was completed in 1977-78 on the legislated curriculum in 50 states.*

Legislated curriculum

The subjects required to be taught and the percentage of states that legislated each subject are listed in Table I.

There were a total of 116 subjects legislated by the 50 states. The highest percentage of subjects legislated by the 50 states. The highest percentage of subject legislated were in the areas of personal health and welfare and national and state government. Five states do not mandate curriculum on local, state and national government, history, civics or the constitution.** This appears contrary to the need to prepare good and knowledgeable citizens for the continuation of a free and democratic society. On the other hand, three states

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* The data were obtained from the school law publications of each state. The completed list of legislated subjects for each state was sent to the respective state school superintendents for conformation.

** (Alaska, Hawaii, Kentucky, Maryland, Montana)

require non-secretarian Bible study on a voluntary basis.* In light of recent U.S. Supreme Court rulings, the three states justify Bible study as being the history of civilization, "the best book in the world on good citizenship and good government."(1)

Less than 50 percent of the states prescribed subjects dealing with the 3R's--reading (40%), writings (30%), grammar (24%), spelling (30%), arithmetic (28%) or mathematics (28%). This indicates that in the majority of states, the 3R's will be taught since they are the foundation of formal education upon which all other subjects are built.

Physical and health education (66% and 58%, respectively), alcholol and narcotics (68%), hygiene (40%), safety (36%), physiology (30%) are given relative high priority. Whereas only 24 percent of the states legislated drug education and tobacco education (prevention) and only 2 percent sex education.**

The percentage of states that have mandated new subject areas is relatively low. Metric education (4%), ethnic and social studies (10%), driver education (24%), conservation education (16%), consumer education (16%), family education (6%), free enterprise (18%), intergroup education (2%), Negro history (4%) and sex education (2%) are not given high priority by states legislatures even though they are relevant to the needs

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*(Arkansas, Florida and Maine)

**(In some states, Michigan for example, health education includes tobacco education and communicable diseases.)

of most students and certain dominant minority groups. This suggests the States are delegating curricular decisions to local school boards or state departments of education.

Legislated Curriculum by State

The findings (in Table II) show 49 states had legislated or prescribed curriculum. Montana legislatures does not prescribe curriculum; this has become the legal responsibility of the respective state departments of education.

"Montana legislature during the 1975 session repealed all mandated curriculum and placed the authority for specific instructional programs with the Board of Public Education."(2) The State of Hawaii, which is the only state with a unified pbulic school system, claims "curriculum has not been the subject of (State) laws." "The State Legislature has the power to initiate new programs or to curtail programs in specific subject areas through appropriations."(3) However an examination of Hawaii's statutes shows that although the department of education is given the authority to "regulate the course of study," the statutes read ". . . not less than fifty percent of the study and instruction in each school day shall be devoted to the oral expression, the written composition and the spelling of English language."(4) Florida has "several bills before the Legislature which would repeal all mandated curriculum. Their chance of passage is better than average."(5) Is there a

trend toward delegating curricular decisions to state departments of education? It might be as federal government's influence increases.

On the other hand, Iowa and Georgia had the greatest number of legislated subjects, (43 and 37 respectively), followed by New York (36) and Wisconsin (35). Table II and II shows nineteen states had 20 or more State legislated subjects and nineteen states have less than 10 mandated subjects.

No states have identical legislated subject requirements and there is a lack of mandated curricular consistency between neighboring states, i.e. between the older thirteen colony states and the two newest states of Hawaii and Alaska of which the latter have 3 and 1 subjects each. Hawaii has legislated composition, English and spelling, Alaska bilingual education. Those states (South Dakota, North Carolina, Kentucky, Alaska, Wyoming, New Mexico) with the least number of mandated subjects (see Table II), tend to prescribe non-academic subjects, such as career education, consumer education, health, nutrition and physical education, morals, alcohol and narcotics, bilingual education that prepare students for life and careers. Or they prescribed subject that deal with state and U.S. government, but not the 3R's.

Seven states (Iowa, Georgia, New York, Wisconsin, California, Indiana and Texas), which have from 43 to 31 subjects respectively, appear to have a sufficient category of subjects and a homogeneous

curriculum to meet the requirements for a modern and relevant curriculum for the students in the respective states.

States tend to be parochial in their prescription of curriculum. The more populas states such as California, Florida, Illinois and New York require driver education; Alaska, Connecticut, Illinois, Massachusetts, Texas and three other states have mandated bilingual education programs to meet the needs of their large non-English-speaking population; Wisconsin requires instruction in dairy products. Those states with great amounts of timberland or are prone to forest or brush fires, such as California, Arkansas, South Carolina, Virginia and Wisconsin, have legislated fire prevention be taught in the schools.

Although the public schools are the legal creation of the state and the state has the authority to prescribe curriculum to preserve the economic, political and cultural values of society, the inconsistent and heterogeneous legislated curriculum patterns between states is a product of local and state pressure groups. Statutory requirements also seem to confirm traditional curricular practices of most local school districts. State legislatures have merely placed their "stamp of approval" on local curricular requirements.

Despite the disparity in statutory curriculum from state to state, the curriculum is relatively uniform nationally. Local school districts, state departments of education and a

myraid of pressure groups have provided a uniform national school system.(6) Is this a trend toward a national school system?

There are a number of indices that support this course:

1. Increasing influence of federal government in state and local education policies (H.E.W. and courts).

2. Strengthening of the state departments through federal funding under the E.S.E.A.

3. State legislatures abdicating their legal educational obligations to state departments of education (e.g. Florida, Hawaii and Montana).

4. Growing support for a national public employee collective bargaining bill that would reduce state role in teacher certification, pension and salary.

5. Influence of National Assessment of American Education on state curriculum and funding of schools.(7)

The confounding of these and other factors are viewed as an indication that the control of the schools will increasingly be in the hands of state departments of education and state educators, not in local school districts. In turn, the state departments of education will come under the influence of the federal government through funding, programs and court decisions.

On the other hand, the trend may bring about a more equitable and higher quality education for all children regardless of their ethnic and socioeconomic background and residence.

REFERENCES

1. Arkansas Constitution, Act No. 1, 1930.

2. Letter from Alve J. Thomas, Deputy Superintendent, Public Instruction, State of Montana, March 4, 1977.

3. Letter from Seichi Hirai, Clerk of the Senate, State of Hawaii, March 2, 1977.

4. Hawaii Revised Statues, Part 1, Section 298-2, p. 148.

5. Letter from Henry M. Cothran, Legislative Analyst, The Florida Senate, Committee on Education, March 11, 1977.

6. Frost, Joe L. and G. Thomas Rowland. Curricula for the Seventies. New York: Houghton, Mifflin, 1969.

7. Cronin, Joseph M. "The Federal Takeover: Should the Junior Partner Run the Firm?" Phi Delta Kappan, April 1976.

TABLE II

Ranking of States by

Number of Mandated Legislated Curriculum

State	Number	State	Number
Iowa	43	Utah	17
Georgia	37	Oregon	16
New York	36	New Jersey	15
Wisconsin	33	Rhode Island	15
California	33	Idaho	13
Indiana	33	Nevada	12
Texas	31	Arizona	9
Mississippi	28	Colorado	9
Washington	28	Louisiana	9
Alabama	27	Missouri	9
Virginia	27	Nebraska	9
Ohio	27	West Virginia	9
Massachusetts	25	Michigan	9
Tennessee	25	New Hampshire	8
Connecticut	24	Minnesota	7
Pennsylvania	24	Delaware	6
Vermont	23	Maryland	6
Illinois	20	New Mexico	6
South Carolina	20	North Carolina	5
Maine	19	South Dakota	5
Arkansas	18	Wyoming	5
Kansas	18	Kentucky	4
North Dakota	18	Hawaii	3
Florida	17	Alaska	1
Oklahoma	17	Montana	0

KEY TO TABLE III

Accident prevention-1, agriculture-2, alcohol and narcotics-3, algebra-4, American culture-5, American literature-6, Americanism-7, ancient history-8, anthropology-9, applied arts-10, arithmetic-11, arts-12, Bible study-13, bilingual education-14, biology-15, bird day-16, business education-17, career education-18, chemistry-19, civics-20, civil government-21, citizenship-22, communicable diseases-23, commercial arithmetic-24, communism-25, communication and media-26, composition-27, conservation of natural resources-28, consumer education-29, cooperatives and conservation-30, crafts-31, crime prevention-32, cultural studies-33, current events-34 Declaration of Independence-35, diseases-36, distributive education-37, dramatics-38, drawing-39, driver education-40, drug education-41, economics-42, English-43, English literature-44, environmental education-45, ethnic studies-46, family economics-47, family education-48, family law-49, fine arts-50, fire prevention-51, first aid-52, flag education-53, foreign languages-54, free enterprise-55, geography-56, geometry-57, government-58, grammar-59, health education-60, history-61, home economics-62, honesty and kindness-63, human relations-64, humane treatment of animals and birds-65, humanities-66, hygiene-67, industrial arts-68, industrial resources-69, intergroup education-70, journalism-71, language arts-72, library-73, literature-74, local civics-75, local government-76, local history-77, marine science-78, mathematics-79, Medieval history-80, military instruction-81, morals-82, music-83, nature study-84, natural science-85, Negro history-86, nutrition education-87, occupational education-88, orthography-89, patriotism-90, penmanship-91, personal and family survival-92, philosophy-93, physical education-94, physical science-95, phisics-96, physiology-97, practical

arts-98, psychology-99, racial and ethnic studies-100, reading-101, rhetoric-102, safety-103, sanitation-104, science-105, sex education-106, social studies-107, socialism-108, sociology-109, Spanish-110, speech-111, spelling-112, state constitution-113, state government-114, state history-115, temperance-116, tobacco education-117, trade and industry-118, traffic safety-119, thrift-120, U.S. Constitution-121, U.S. Legal system-122, U.S. Government-123, U.S. history-124, United Nations-125, Venereal diseases-126, visual arts-127, vocational education-128, voting-129, writing-130, world history-131, metric education-132, political science-133, world literature-134, trigonometry-135, elementary bookkeeping-136, dairy products-137.

TABLE I

Percent of Legislated Subjects

Alcohol and Narcotics-68; Physical Education-66; U.S. History-66; State History-66; Health Education-58; English-58;* U.S. Constitution-54; Reading, Hygiene, Geography, U. S. Government-40; Driver Education, Safety-36; Music, Physiology, Spelling, State Constitution, Writing-30; Arithmetic, Citizenship, Mathematics, Morals, State Government-28; Drug Education, Fire Prevention, Grammar, Science, Tobacco Education-24; Humane Treatment of Animals and Birds-22; Civics, Patriotism, Social Studies-20; Agriculture, Free Enterprise-18; Bilingual Education, Composition Conservation of Natural Resources, Consumer Education, Economics, Flag Education-16; Arts, Civil Government, Vocational Education-14; Foreign Language, History, Home Economics, Industrial Arts, Local Government-12; Career Education, Declaration of Independence, Language Arts, Temperance; Venereal Diseases, Voting-10; Drawing, First Aid, Literature, Penmanship, Sanitation, Traffic Safety-8; Algebra, Bird Day, Chemistry, Communism, Bible Study Diseases, English Literature, Ethnic Studies, Family Education, Fine Arts, Government, Nature Study, Negro History, Orthography, Practical Arts, Physics-6; Accident Prevention, American Literature, Biology, Business Education, Communicable Diseases, Cultural Studies, Environmental Education, Honesty and Kindness, Natural Science, Occupational Education, Racial and Ethnic Studies, Metric Education, Americanism, Local History-4; Ancient History, Commercial Arithmetic, Communication and Media, Cooperatives and Conservation, Crime Prevention, Current Events, Distributive Education, Dramatics, Family Economics, Family Law, Geometry, Industrial Resources, Medieval History, Military Instruction, Rhetoric, Sex Education, Trade and Industry, Thrift, Visual Arts, World History, World Literature, Dairy Products, Intergroup Education, speech-2.

* Some states require that instruction be in English.

TABLE III

State Legislated Subjects by State

State	Instruction Required
Alabama: (27)	3, 11, 20, 25, 40, 41, 42, 43, 44, 56, 58, 60, 67, 72, 79, 83 94, 101, 105, 112, 115, 116, 117, 121, 124, 128, 130
Alaska: (1)	14
Arizona: (9)	3, 53, 55, 90, 101, 113, 115, 121, 124
Arkansas: (18)	3, 13, 16, 28, 43, 51, 60, 82, 84, 90, 94, 98, 114, 115, 121, 123, 124, 128
California: (33)	1, 22, 27, 28, 33, 34, 41, 42, 43, 50, 51, 52, 60, 63, 65, 74, 79, 82, 90, 91, 94, 100, 101, 103, 105, 107, 111, 112, 114, 115, 117, 123, 124
Colorado: (9)	3, 43, 53, 114, 115, 116, 121, 123, 124
Connecticut: (24)	3, 11, 14, 22, 40, 41, 56, 58, 59, 60, 65, 67, 76, 77, 94, 100, 101, 103, 112, 114, 115, 123, 124, 130
Delaware: (6)	40, 55, 60, 74, 113, 121
Florida: (17)	2, 3, 7, 13, 21, 25, 28, 29, 40, 53, 60, 65, 82, 90, 115, 121, 128
Georgia: (37)	2, 3, 4, 12, 14, 15, 17, 18, 19, 29, 37, 40, 42, 43, 54, 55, 60, 62, 68, 72, 76, 79, 83, 86, 94, 96, 97, 103, 105, 107, 114, 115, 117, 123, 124, 126, 128
Hawaii: (3)	27, 43, 112
Idaho: (13)	3, 13, 27, 29, 40, 43, 48, 53, 60, 94, 106, 107, 121
Illinois: (20)	12, 14, 16, 18, 28, 29, 40, 43, 46, 54, 60, 63, 79, 82, 83, 94, 103, 105, 124, 128
Indiana: (33)	3, 4, 6, 8, 15, 19, 20, 22, 24, 27, 36, 39, 43, 44, 54, 56, 57, 67, 79, 80, 82, 83, 96, 102, 103, 105, 113, 114, 115, 121, 123, 124, 129

State	Instruction Required
Iowa: (43)	3, 12, 18, 19, 22, 23, 26, 28, 29, 33, 38, 40, 41, 43, 45, 47, 49, 50, 54, 56, 59, 60, 72, 74, 76, 79, 83, 88, 94, 96, 101, 103, 105, 107, 112, 114, 115, 117, 123, 124, 126, 129, 130
Kansas: (18)	11, 21, 22, 27, 43, 56, 59, 60, 67, 90, 94, 101, 112, 115, 121, 123, 124, 130
Kentucky: (4)	3, 18, 29, 45
Louisiana: (9)	20, 25, 43, 55, 60, 79, 94, 105, 107
Maine: (19)	3, 21, 22, 35, 43, 53, 56, 60, 65, 67, 69, 94, 97, 103, 115, 116, 121, 124, 129
Maryland: (6)	3, 40, 41, 60, 94, 103
Massachusetts: (25)	3, 11, 14, 20, 22, 35, 39, 43, 51, 56, 59, 60, 76, 77, 82, 83, 89, 94, 101, 103, 113, 117, 121, 124, 130
Michigan (9)	3, 14, 20, 23, 40, 60, 65, 94, 117
Minnesota: (7)	3, 35, 60, 82, 90, 94, 121
Mississippi: (28)	2, 3, 11, 12, 21, 27, 42, 43, 56, 59, 61, 62, 67, 68, 74, 76, 79, 83, 97, 101, 103, 105, 107, 112, 114, 115, 119, 124
Missouri: (9)	3, 41, 67, 94, 97, 113, 121, 123, 124
Montana: (0)	None
Nebraska: (9)	3, 20, 22, 40, 41, 58, 60, 61, 117
Nevada: (12)	22, 67, 90, 94 97, 113, 114, 115, 120, 121, 123, 124
New Hampshire: (8)	3, 67, 97, 114, 115, 123, 124, 126

State	Instruction Required
New Jersey: (15)	3, 14, 18, 20, 22, 35, 56, 60. 65, 86, 94, 103, 115, 121, 124
New Mexico: (6)	40, 41, 115, 128, 138, 139
New York: (36)	11, 12, 20, 36, 42, 43, 46, 52, 55, 56, 60, 61, 62, 67, 68, 79, 83, 88, 94, 98, 101, 104, 105, 107, 112, 113, 115, 116, 119, 121, 124, 126, 127, 129, 130, 132
North Carolina: (5)	3, 7, 41, 51, 55
North Dakota: (18)	2, 3, 11, 21, 43, 56, 59, 65, 67, 82, 84, 94, 97, 101, 112, 121, 124, 130
Ohio: (27)	3, 28, 43, 50, 51, 52, 56, 60, 72, 74, 76, 79, 83, 85, 94, 101, 103, 112, 113, 114, 115, 117, 121, 123, 124, 126, 130
Oklahoma: (17)	41, 42, 43, 52, 56, 60, 79, 94, 101, 103, 105, 107, 112 115, 117, 124, 130
Oregon: (16)	12, 18, 22, 29, 42, 42, 60, 61, 72, 79, 83, 94, 105 107 123, 124
Pennsylvania: (24)	3, 11, 12, 20, 40, 43, 51, 53, 56, 60, 65, 67, 70, 83, 91, 94, 97, 101, 103, 112, 114, 115, 123, 124
Rhode Island: (15)	3, 40, 46, 51, 54, 60, 67, 94, 97, 103, 114, 115, 123, 124, 129
South Carolina: (20)	2, 3, 4, 44, 51, 56, 59, 67, 79, 82, 94, 97, 101, 103, 113, 115, 119, 121, 124, 130
South Dakota: (5)	43, 82, 90, 121, 131
Tennessee: (25)	3, 11, 39, 40, 41, 43, 53, 55, 56, 59, 67, 83, 86, 94, 101, 103, 104, 112, 113, 115, 117, 121, 123, 124, 130
Texas: (31)	2, 3, 11, 14, 21, 27, 29, 32, 42, 43, 51, 54, 55, 56, 59 62, 65, 67, 68, 81, 89, 90, 91, 94, 97, 101, 113, 115, 121, 124, 128
Utah: (17)	3, 14, 16, 22, 36, 40, 48, 55, 67, 82, 84, 97, 104, 113, 117, 121, 132
Vermont: (23)	2, 3, 6, 11, 17, 22, 40, 43, 60, 61, 62, 68, 85, 94, 101, 114, 115, 117, 118, 123, 124, 130, 134

State	Instruction Required
Virginia: (27)	1, 2, 11, 20, 21, 35, 39, 40, 41, 51, 56, 59, 60, 62, 67, 68, 82, 94, 97, 98, 101, 112, 115, 119, 121, 124, 130
Washington: (28)	3, 11, 12, 43, 56, 59, 60, 61, 63, 65, 67, 79, 82, 83, 89, 90, 91, 94, 97, 101, 105, 107, 112, 114, 115, 123, 124, 130
West Virginia: (9)	20, 40, 43, 51, 113, 115, 116, 121, 124
Wisconsin: (33)	2, 3, 11, 12, 22, 27, 28, 29, 30, 35, 43, 48, 51, 53, 56, 59, 60, 65, 67, 82, 83, 94, 97, 101, 103, 104, 112, 113, 121, 123, 124, 130, 137
Wyoming: (5)	113, 114, 115, 121, 123